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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

SHEMAR DACOSTA, an individual;
PHOLOSO MOFOKENG, an
individual; MILES JACKSON-LEA, an
individual; OLAKUNLE OLATUNJI,
an individual; R.M., a minor child, and
JOHN DOES #1-3, minor children,
each through their next friend/*guardian*
ad litem to be appointed by the Court.

Plaintiffs,

v.

YEEZY, LLC, a limited liability
corporation; YE FKA KANYE WEST,
an individual; MILO
YIANNOPOULOS, an individual,

Defendants.

Case No. 2:24-cv-05547-BFM

**PETITION OF PLAINTIFFS R.M.,
JOHN DOE # 1, JOHN DOE # 2,
AND JOHN DOE # 3 TO
COMMENCE AND PROCEED BY
PSEUDONYM AND THROUGH
COURT-APPOINTED NEXT
FRIENDS**

I. INTRODUCTION

The minor Plaintiffs in the above captioned matter respectfully request the Court's permission to proceed by their respective pseudonyms, R.M., John Doe # 1, John Doe # 2, and John Doe # 3, in place of their true and correct names, because this action involves allegations of workplace harassment and child labor violations of Plaintiffs R.M., John Doe # 1, John Doe # 2, and John Doe # 3, all minors, by the Defendants. In addition, Plaintiffs request that the Court appoint a next friend/guardian ad litem to present their interest in this lawsuit, because Plaintiffs do not have any individuals in the United States who can serve in that role besides their attorneys. In the alternative, Plaintiffs request that they be given five business days to locate suitable next friends who can provide declarations attesting to their ability to serve in the role.

II. STATEMENT OF RELEVANT FACTS

On June 29, 2024 Plaintiffs filed their Complaint (ECF No. 1; Declaration of Benjamin C.R. Lockyer ["Lockyer Decl."] ¶3.) The Complaint is based upon the workplace harassment and forced and unpaid labor of several individuals including minor Plaintiffs R.M., John Doe # 1, John Doe # 2, and John Doe # 3, by Defendants Yiannopoulos, Yeezy, LLC, and Ye. Lockyer Decl. ¶5. Defendant Yeezy is an international clothing brand owned by Defendant Ye formerly known as Kanye West. Dkt. No. 1 ¶25:1-13. Defendant Yiannopoulos is the former Chief of Staff of Yeezy. Dkt. No. 1 at 32:24-25.

Since filing of the Complaint, the lead Plaintiff in this matter, Shemar DaCosta, has suffered harassment, unwanted communications, and been the subject of harassing posts by Defendant Yiannopoulos. Lockyer Decl. ¶5. Since its filing this matter has also been the subject of international media attention. *Id.* at ¶5.

To prevent any harassment by the Defendants or fans of Defendant Ye, the minor plaintiffs wish to maintain their privacy and not be publicly named or

1 identified in this action. *Id.* at ¶ 6. The issues involved in this civil action are highly
 2 sensitive and personal in nature as the case involves workplace harassment and
 3 inhuman working conditions by the Defendants during their employment for
 4 Defendants. ECF No. 1. Given the nature of the hostile work environment and
 5 unpaid labor caused by Defendants Yeezy, Ye, and Yiannopoulos, and the
 6 harassment of Plaintiff DaCosta, the minor Plaintiffs believe that the public
 7 disclosure of their true identities would raise a serious risk of emotional
 8 psychological harm to them and their families. Accordingly, the minor Plaintiffs
 9 wish to maintain their privacy and not be publicly named in this civil action. The
 10 disclosure of the minor Plaintiffs' true identities would raise a serious risk of
 11 psychological and emotional harm to the minor Plaintiffs. Lockyer Decl. at ¶¶ 6-7.

12 Plaintiffs' procession by pseudonym will not be prejudicial to any of the
 13 Defendants as the Plaintiffs have previously disclosed their true identities to
 14 Defendant Yeezy, Ye, and Yiannopoulos. Lockyer Decl. ¶8. Plaintiffs also
 15 previously provided their identification documents to Defendants, at Defendants'
 16 request. Lockery Decl. ¶8. There is no question that the Defendants know the
 17 identities of the Plaintiffs.

18 Accordingly, the minor Plaintiffs do not believe that proceeding by
 19 pseudonym will be prejudicial to Defendants since their true identities were known
 20 to Defendants prior to the commencement of this action, and because the minor
 21 Plaintiffs will disclose their true identities to Defendants during the course of the
 22 litigation, including pre-trial discovery.

23 **III. ARGUMENT**

24 **A. It is Appropriate for these Minor Plaintiffs to Proceed by Pseudonym**

25 "The normal presumption in litigation is that parties must use their real
 26 names." *Doe v. Kamehameha Sch.*, 596 F.3d 1036, 1042 (9th Cir. 2010). However,
 27 the Ninth Circuit has allowed parties to use pseudonyms "in the 'unusual case' when
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1 nondisclosure of the party’s identity ‘is necessary ... to protect a person from
 2 harassment, injury, ridicule or personal embarrassment.’ *Does I thru XXIII v.*
 3 *Advanced Textile Corp.*, 214 F.3d 1058, 1067-68 (9th Cir. 2000) (quoting *United*
 4 *States v. Doe*, 655 F.2d 920, 922 n.1 (9th Cir. 1981).) “[A] party may preserve his
 5 or her anonymity in judicial proceedings in special circumstances when the party’s
 6 need for anonymity outweighs prejudice to the opposing party and the public’s
 7 interest in knowing the party’s identity.” *Advanced Textile Corp.*, 214 F.3d at 1068.
 8 “Applying this balancing test, courts have permitted plaintiffs to use pseudonyms...
 9 when anonymity is necessary is necessary to preserve privacy in a matter of
 10 sensitive and highly personal nature...”. (*Id.* For example, “[c]ourts have generally
 11 permitted plaintiffs to proceed anonymously when their claims involved allegations
 12 of sexual assault or rape.” *Doe v. County of San Joaquin* (E.D. Cal., Mar. 29, 2024,
 13 No. 2:24-CV-00899-CKD) 2024 WL 1344677, at *1; *see also Doe v. Rose*, 2016
 14 U.S. Dist. LEXIS 188930, at *3-5 (C.D. Cal. June 17, 2016) (collecting cases); *see*
 15 *e.g., J.I. v. United States*, 2018 US Dist. LEXIS 49646, at *4 (E.D. Cal. Mar. 23,
 16 2018); *Roe v. Puig*, 2021 U.S. Dist. LEXIS 115728, at *7-9 (C.D. Cal. May 17,
 17 2021); *Jordan v. Gardner*, 986 F.2d 1521, 1525 n. 4 (9th Cir. 1993) (observing
 18 “tradition of not revealing names of the victims of sexual assault”).

19 Plaintiffs R.M. and John Doe # 1-3 were subject to hostile working conditions
 20 and abhorrent labor practices. The minor Plaintiffs wish to maintain their privacy
 21 and not be publicly named in this action because the issues in this litigation are
 22 highly sensitive and personal in nature. Lockyer Decl. at ¶¶4-5. Plaintiffs fear
 23 disclosure of their identity would raise a serious risk of emotional and psychological
 24 harm to them individually and to their family. *Id.* at ¶¶6-7. Defendants will not be
 25 prejudiced by Plaintiffs’ use of pseudonyms since they have already disclosed their
 26 true identities to Defendants prior to filing this action and will disclose their true
 27 identities to Defendants during the course of this litigation. *Id.* at ¶7. The public
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1 interest in disclosure of the Plaintiffs’ identities is negated here by the “equally
2 strong interest” of “encouraging victims to bring claims against their attackers.”
3 *Doe v. Rose*, 2016 U.S. Dist. LEXIS 188930, at *8-9 (C.D. Cal. June 17, 2016).

4 **B. It is Appropriate for These Minor Plaintiffs to Proceed Through**
5 **Court-Appointed Next Friends**

6 “A ‘next friend’ does not himself become a party to the ... action in which he
7 participates, but simply pursues the cause” on behalf of an incompetent person.
8 *Padilla v. Rumsfeld*, 352 F.3d 695, 703 (2d Cir. 2003) (rev'd on other grounds by
9 124 S.Ct. 2711 (2004)) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 163 (1990))
10 (discussing an incarcerated person).

11 Federal Rule of Civil Procedure 17 provides that “[t]he court must appoint a
12 guardian ad litem – or issue another appropriate order – to protect a minor or
13 incompetent person who is unrepresented in an action.” Fed. R. Civ. P. 17(c)(2).
14 Rule 17(c) requires a district court to “take whatever measures it deems proper to
15 protect an incompetent person during litigation.” *Davis v. Walker*, 745 F.3d 1303,
16 1311 (9th Cir. 2014) (quoting *United States v. 30.64 Acres of Land*, 794 F.2d 796,
17 805, (9th Cir. 1986)). The decision to appoint a guardian ad litem “must normally
18 be left to the sound discretion of the trial court.” *30.64 Acres*, 795 F.2d at 804.

19 Thus, a minor or an incompetent person who does not have a duly appointed
20 representative may sue by a next friend or by a Guardian ad Litem. No independent
21 guardianship proceeding is necessary to appoint a Guardian ad Litem; the Court
22 may make the appointment as part of the same lawsuit to which the minor or
23 incompetent is a party. *Sarracino v. Superior Court*, 13 Cal.3d 1, 12 (1974). The
24 Federal Rule does not contain a time constraint for filing a petition for Guardian
25 ad Litem. *Dean v. City & County of San Francisco*, No. C-05-01876 EDL, 2006
26 WL 824336 at *1 (N.D. Cal. 2016).

1 If the Court elects not to appoint someone, then Plaintiffs request that the
 2 Court provide the Plaintiffs with five business days, or until July 9, 2024, to locate
 3 a suitable next friend or guardian ad litem who will meet with the plaintiffs in
 4 advance of applying to become their next friend/guardian ad litem. Plaintiffs also
 5 request that if a next friend is chosen by the Plaintiffs, that they be allowed to choose
 6 one single person to represent them as an appointed next friend/guardian ad litem,
 7 subject of course to approval by the Court. For example, an attorney can serve as a
 8 next friend or guardian ad litem. *Padilla*, 352 F.3d at 703-704 (court found that
 9 notwithstanding the short duration of the attorney-client relationship – less than one
 10 month before further contact was prohibited – plaintiff’s attorney was truly
 11 dedicated to the incompetent plaintiff’s interests); *see also Warren v. Cardwell*, 621
 12 F. 2d 321 n. 1 (9th Cir. 1980) 621 (prisoner’s attorney filed habeas petition in his
 13 own name on behalf of prisoner).

14 IV. CONCLUSION

15 Plaintiffs respectfully request the Court to grant permission to proceed by the
 16 pseudonyms “R.M.”, “John Doe 1” “John Doe 2” and “John Doe 3” in place of their
 17 true and correct names. Plaintiffs also request that the Court appoint a next
 18 friend/guardian ad litem to represent their interests, either individually, or
 19 collectively, or that they be given a period of five days to locate a suitable next
 20 friend or guardian ad litem who will make such further application.

21
 22 Respectfully submitted,

23
 24 DATED: July 2, 2024

THIGPEN LEGAL, P.C.

25
 26 By: /s/ Jordanna G. Thigpen

27 JORDANNA G. THIGPEN

28 *Attorney for Plaintiffs*

1 DATED: July 2, 2024

LOCKYER LAW LLC

2 By: /s/ Benjamin C.R. Lockyer
3 BENJAMIN C.R. LOCKYER (*pro hac vice*
4 *pending*)
5 *Attorney for Plaintiffs*
6
7

8 **ATTESTATION OF E-FILED SIGNATURE**

9 I, Jordanna G. Thigpen, am the ECF User whose ID and password are being
10 used to file this **PETITION OF PLAINTIFFS R.M., JOHN DOE # 1, JOHN**
11 **DOE # 2, AND JOHN DOE # 3 TO COMMENCE AND PROCEED BY**
12 **PSEUDONYM AND THROUGH COURT-APPOINTED NEXT FRIENDS.**

13 I attest that Benjamin C.R. Lockyer has read and approved this pleading and
14 consents to its filing in this action. His pro hac vice application is pending.
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16
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18 DATED: July 2, 2024

/s/ Jordanna G. Thigpen
19 JORDANNA G. THIGPEN
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